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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**BARBARA KULIK, JAMES ESKRIDGE,  
and MARY DUNNING GAROFALO**  
individually and on behalf of all others similarly  
situated,

v Plaintiffs,

**NMCI MEDICAL CLINIC, INC., a  
corporation,**

Defendant

Case No.: 5:21-cv-03495-BLF

**NOTICE OF UNOPPOSED MOTION AND  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
PLAINTIFFS' MOTION FOR FINAL  
APPROVAL OF CLASS/COLLECTIVE  
ACTION SETTLEMENT**

Judge: Beth Labson Freeman

Complaint Filed: May 10, 2021

FAC Filed: July 13, 2021

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that the matter will be heard before the Honorable Beth Labson  
 3 Freeman in Courtroom 3 of this Court, located on the 5th Floor of the San Jose Courthouse, 280 South  
 4 1st Street, San Jose, California 95113 on March 1, 2023. In this motion, Plaintiffs respectfully request  
 5 entry of an order (1) certifying a class for settlement purposes under the Federal Rules of Civil  
 6 Procedure, Rule 23 (e.g., “Rule 23”) and certifying a FLSA collective for settlement purposes under  
 7 29 U.S.C. § 201, *et seq.* (as defined in the Parties’ Stipulation of Settlement); (2) finally approving the  
 8 Parties’ Settlement; (3) appointing Plaintiffs Barbara Kulik, James Eskridge, and Mary Dunning  
 9 Garofalo, as well as Opt-in Plaintiff Yadira Gomez, as Class Representatives for the Class/Collective  
 10 and Plaintiffs’ counsel as Class Counsel; and (4) awarding fees to the third-party Settlement  
 11 Administrator Simpluris, Inc.

12 Plaintiffs respectfully submit good cause exists for granting the Motion for the reasons set  
 13 forth in the concurrently filed documents. Defendant’s counsel has reviewed the documents being  
 14 filed in support of this Motion and does not oppose it, though Defendant has reserved the right to  
 15 submit a Notice of Non-Opposition, together with any additional points and authorities for the Court’s  
 16 consideration.

17 This Motion is based upon this Notice of Motion, the Memorandum of Points and Authorities  
 18 and other documents filed herewith, including the Settlement Agreement, the Declaration of Class  
 19 Counsel, the [Proposed] Order, and the other pleadings and records on file in this action, and the  
 20 presentations of counsel and such oral or documentary evidence as may be presented at the hearing  
 21 on this unopposed Motion.

22 SOMMERS SCHWARTZ, P.C.

23 DATED: February 16, 2023

24 By: /s/ Kevin J. Stoops

25 Kevin J. Stoops (SBN 332200)

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